

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,698	08/11/2003	Tang Foo Hou	SIC-03-014	1697
29863 75	590 04/25/2006		EXAM	INER
2,000	DELAND LAW OFFICE		BALDWIN, KATHLEEN C	
P.O. BOX 69	VED CA 06050 0060		ART UNIT	PAPER NUMBER
KLAMATA KI	IVER, CA 96050-0069		3682	
	•		DATE MAILED: 04/25/200	6

Please find below and/or attached an Office communication concerning this application or proceeding.

.		Application No.	Applicant(s)			
		10/604,698	HOU, TANG FOO			
	Office Action Summary	Examiner	Art Unit			
		Kathleen Baldwin	3682			
Period fo	The MAILING DATE of this communication reply	on appears on the cover sheet wi	th the correspondence address			
WHIC - Exte after - If NC - Failu Any	IORTENED STATUTORY PERIOD FOR FOR THE VER IS LONGER, FROM THE MAILING ensions of time may be available under the provisions of 37 of SIX (6) MONTHS from the mailing date of this communicated period for reply is specified above, the maximum statutory are to reply within the set or extended period for reply will, by reply received by the Office later than three months after the ned patent term adjustment. See 37 CFR 1.704(b).	NG DATE OF THIS COMMUNIC CFR 1.136(a). In no event, however, may a re- tion. I period will apply and will expire SIX (6) MONING statute, cause the application to become AB	CATION. eply be timely filed THS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).			
Status						
1) 又	Responsive to communication(s) filed on	12/ <u>1/2005</u> .				
2a)□	•	This action is non-final.				
3)	Since this application is in condition for a	ince this application is in condition for allowance except for formal matters, prosecution as to the merits is osed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.				
Disposit	tion of Claims					
5) 6) 7)	Claim(s) 1-10 is/are pending in the application 4a) Of the above claim(s) is/are w Claim(s) is/are allowed. Claim(s) is/are rejected. Claim(s) is/are objected to. Claim(s) 1-10 are subject to restriction a	ithdrawn from consideration.				
Applicat	tion Papers					
	The specification is objected to by the Ex					
10)	The drawing(s) filed on is/are: a)[
	Applicant may not request that any objection					
11)	Replacement drawing sheet(s) including the] The oath or declaration is objected to by					
·	under 35 U.S.C. § 119					
•	Acknowledgment is made of a claim for f	foreign priority under 35 U.S.C.	§ 119(a)-(d) or (f).			
•) ☐ All b) ☐ Some * c) ☐ None of:					
~	1. Certified copies of the priority doc	uments have been received.				
	2. Certified copies of the priority doc		Application No			
	3. Copies of the certified copies of the					
	application from the International					
*	See the attached detailed Office action for	r a list of the certified copies not	t received.			
Attachme	ent(s)					
	tice of References Cited (PTO-892)	, ——	Summary (PTO-413)			
2) Not	tice of Draftsperson's Patent Drawing Review (PTO-	5\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	(s)/Mail Date Informal Patent Application (PTO-152)			
, , _	ormation Disclosure Statement(s) (PTO-1449 or PTC ner No(s)/Mail Date	0/SB/08) 5) ☐ Notice of 6) ☐ Other:				

Application/Control Number: 10/604,698

Art Unit: 3682

Election/Restrictions

This application contains claims directed to the following patentably distinct species:

a. Species I: Figures 1-3

b. Species II: Figures 6-7

These species are independent or distinct because each species defines separate subject for inventive effort. The Claims in each species may have an overlapping search; however identifying the diverging subject matter is a serious burden to an examiner.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 2 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after

Application/Control Number: 10/604,698

Art Unit: 3682

the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

A telephone call was made to James Deland on April 19, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen Baldwin whose telephone number is 571-272-8973. The examiner can normally be reached on 7:30am-5pm.

Page 4

Application/Control Number: 10/604,698

Art Unit: 3682

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB 4/21/06

RICHARD RIDLEY
SUPERVISORY PATENT EXAMINER